

1 BILL NO. Z-85-06-33

2
3 ZONING MAP ORDINANCE NO. Z-Lush

4 AN ORDINANCE amending the City of
5 Fort Wayne Zoning Map No. J-27.

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
7 WAYNE, INDIANA:

8 SECTION I. That the area described as follows is hereby
9 designated a B-3-B (General Business) District under the terms of Chapter
10 33 of the Code of the City of Fort Wayne, Indiana of 1974:

11 The West 95 feet of Lot #55 in Liberty Gardens
12 Addition

13 and the symbols of the City of Fort Wayne Zoning Map No. J-27, as
14 established by Section 11 of Chapter 33 of the Code of the City of Fort
15 Wayne, Indiana are hereby changed accordingly.

16 SECTION 2. That this Ordinance shall be in full force and
17 effect from and after its passage and approval by the Mayor.

18
19 Charles B. Redd
COUNCILMEMBER

20 APPROVED AS TO FORM AND LEGALITY:

21 Bruce O. Boxberger
22 BRUCE O. BOXBERGER, CITY ATTORNEY
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Read the first time in full and on motion by Redd,
seconded by Stier, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the Cit
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayr
Indiana, on _____, the _____ day of
_____, 19_____, at _____ o'clock _____ .M., E.

DATE: 6-25-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd,
seconded by Stier, and duly adopted, placed on its
passage. ~~PASSED~~ (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	<u>8</u>	_____	<u>1</u>	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	_____	<u>✓</u>	_____	_____	_____
<u>GiaQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	_____	<u>✓</u>	_____	_____	_____
<u>REDD</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 7-9-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19_____,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the _____ day of _____, 19_____,
at the hour of _____ o'clock _____ .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19_____, at the hour of _____ o'clock _____ .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 11999

FT. WAYNE, IND., May 17 19 85

RECEIVED FROM

William & Eleanor Herman\$ 50⁰⁰

THE SUM OF

Fifty Dollars00
100

DOLLARS

ON ACCOUNT OF

Reopening Application Fee for
Jet 55 (2316) Judge Henry R. L.Gary Butler

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

THIS IS TO BE FILED IN DUPLICATE

INTENDED USE USED CAR LOT

I/We WILLIAM & ELEANOR HERMAN
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-3 District to a/an ~~B-3~~ District the property described as follows: B-3-B

WEST 95 FT OF LOT 55 LIBERTY GARDENS
ADD 2316 LOWER HUNTINGTON RD.
95 BY 162.5

DEED RECORD BOOK NUMBER & PAGE NUMBER 75-20038

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>WILLIAM HERMAN</u>	<u>7019 HEATHERTON</u>	<u>William Herman</u>
<u>ELEANOR HERMAN</u>	<u>7019 HEATHERTON</u>	<u>Eleanor Herman</u>
_____ (Name)	_____ (Address)	_____ (Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>William Herman</u>	<u>7019 HEATHERTON</u>	<u>747-5145</u>
_____ (Name)	_____ (Address & Zip Code)	_____ (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on 25 June 1985 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-06-33; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on 17 June 1985;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

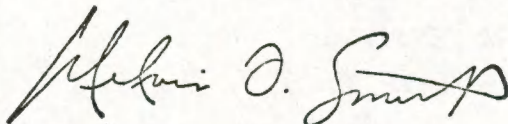
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held 24 June 1985.

Certified and signed this
26th day of June 1985.



Melvin O. Smith
Secretary

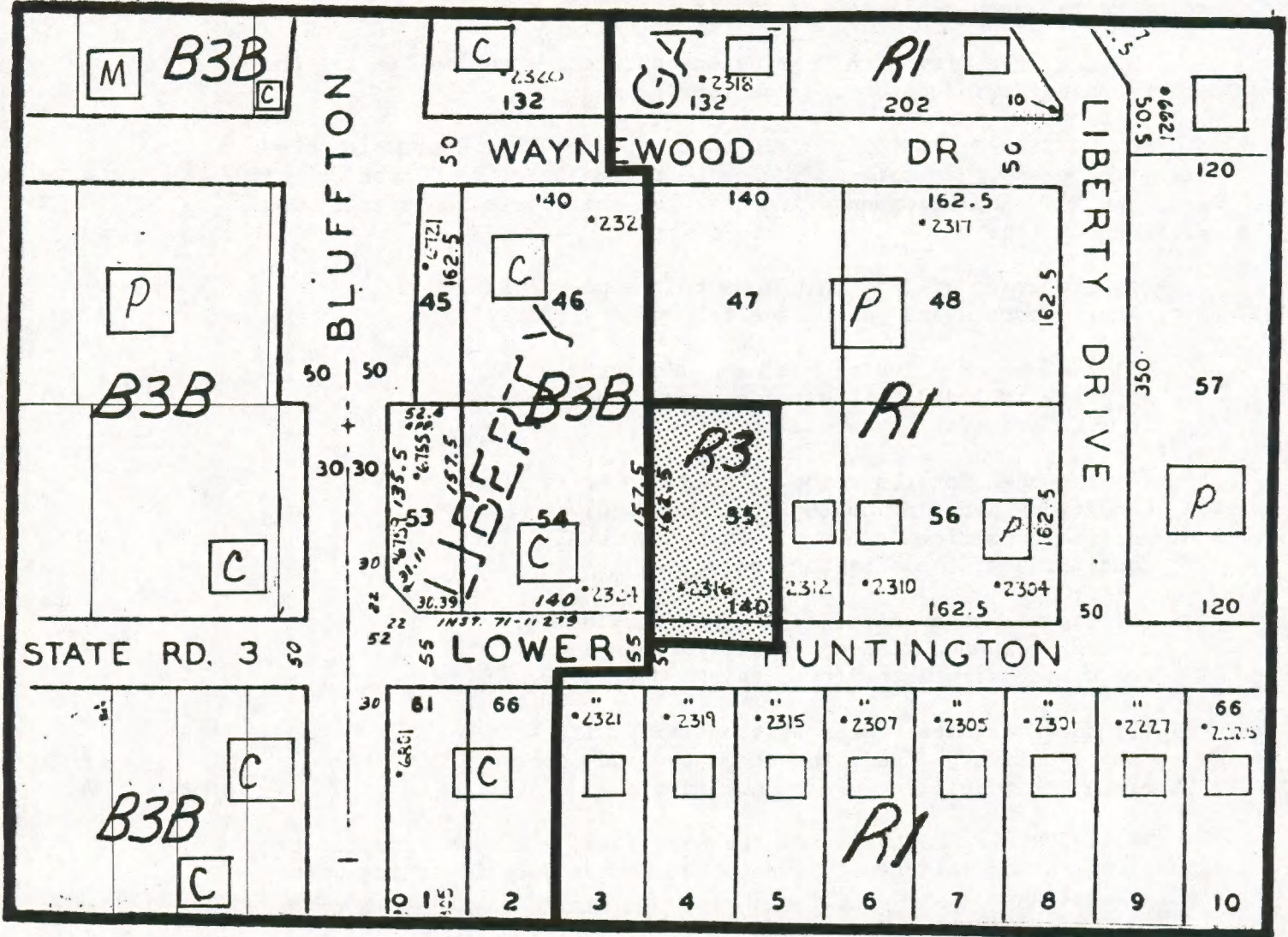
ZONING PETITION

#133

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING DESCRIBED PROPERTY FROM AN R3 DISTRICT TO A B3B DISTRICT.

MAP NO. J-27

COUNCILMANIC DISTRICT NO. 5



Zoning:

R1 RESIDENTIAL DISTRICT
 R3 RESIDENTIAL DISTRICT
 B3B GENERAL BUSINESS 'B'

Land Use:

☐ SINGLE FAMILY
☐ MULTI-FAMILY
☐ COMMERCIAL
☐ PUBLIC - CHURCH

BILL NO. Z-85-06-33

NORTH



ORIGINAL

DIGEST SHEET

Admn. Appr. _____

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

3-85-06-33

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 2316 Lower Huntington Road

EFFECT OF PASSAGE Property is now zoned R-3 - Multi-Family Residential.
Property will become B-3-B - General Business.

EFFECT OF NON-PASSAGE Property will remain R-3 - Multi-Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____

FACT SHEET

Z-85-06-33

BILL NUMBER

**Division of Community
Development & Planning**

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Ordinance Amendment**DETAILS****Specific Location and/or Address**

2316 Lower Huntington Road

Reason for Project

Petitioners wish to sell property and have been unable to zone residentially.

Discussion (Including relationship to other Council actions)17 June 1985 - Public Hearing

Mr. William Herman, petitioner, 7019 Heatherton Drive stated that he would request that the zoning be perfected from the original request of B-3-B to B-1-A. He stated that since he submitted the rezoning request he has had an offer on the property for use as a beauty salon. He stated that he is retiring and moving out of state and the property would be difficult to maintain. He stated he is therefore requesting the rezoning in order to sell the property.

Steve Smith asked that when the Commission rezoning the property last year to an R-3 what the intended use for the property was.

Mr. Herman stated that it is a vacant lot and he wanted to sell it then also. He stated however that the property has been on the market as an R-3 for over a year and has not sold.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

William & Eleanor Herman

City Department

Other

Opponents**Groups or Individuals****Basis of Opposition**

None

**Staff
Recommendation**☐ For☒ Against**Reason Against**

-adverse impact on area
-be difficult to deny similar requests in this area

**Board or
Commission
Recommendation****By**☐ For☒ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

Mrs. Herman stated that there was originally a home on the property but it has been demolished. She stated that she did not feel that a residence would be a suitable use for this lot.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

24 June 1985 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the eight (8) members present seven (7) voted in favor of denial one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start Date 17 May 1985

Projected Completion or Occupancy Date 26 June 1985

Fact Sheet Prepared by Patricia Biancaniello Date 26 June 1985

Reviewed by *Gary E. Baeten* Date 26 June 1985

Gary E. Baeten, Senior Planner
Reference or Case Number

Change of Zone #133

12 June 1985

PROPOSAL:

William & Eleanor Herman petition for a rezoning from R-3 to B-3-B.

GENERAL LOCATION:

Location:

2316 Lower Huntington Road

Legal Description:

W 95 feet of Lot 55 in Liberty Gardens Addition

Existing Zoning:

R-3

Size of Property:

0.35 Acres \pm

Surrounding Land Use & Zoning:

North - R-1 - Church

South - R-1 - Single Family Residential

East - R-1 - Church

West - B-3-B - Commercial

Reason For Request:

Establishment of a Used Car Lot

Zoning History:

The City Plan Commission held a public hearing on this same request on April 16, 1984. The Plan Commission recommended to City Council to reduce the request from B3B to R3, Council approved the R3 modification as recommended by the Commission.

Applicable Regulations:

R-3 does not allow auto sales.

Comprehensive Plan:

The general land use policies state that rezoning and development proposals should be compatible with existing land uses and should not establish an undesirable precedent in the area. The goal in the Middle Ring, where this request is located, is to maintain investments and prevent deterioration in existing neighborhoods.

Neighborhood Planning:

No Comment

Urban Design:

No Comment

HANDS:

No Comment

Housing Authority:

No Comment

PLANNING STAFF ANALYSIS:

A B-3-B designation would permit numerous uses including an auto body shop and nightclub. This parcel is located between commercial use and a church and a residential use that is across the Lower Huntington Road. We believe that rezoning of this parcel would detract from, and adversely impact this area. The area to the west would be better suited to commercial development.

Lower Huntington Road carries a large amount of traffic as its is a convenient route from the Waynedale area to the mall area. Encouraging additional traffic would not be in the best interests of the abutting residents. We also feel that the existing zoning designations should not be extended. The Waynedale area has a number of properties that are currently zoned for this use.

This would be an appropriate location for transition office use as proposed by the staff in zoning ordinance update to the Zoning Working Committee.

RECOMMENDATION:

Denial

- 1) Approval would adversely impact the abutting residential property to the east and south.
- 2) An undue hardship does not exist, as the property could be developed within the restrictions of the existing designation.
- 3) Approval would make it difficult to deny similar petitions in the future.

RECEIPT

CK # 17522

COMMUNITY DEVELOPMENT & PLANNING

No 12020

FT. WAYNE, IND.,

6-14 1985

RECEIVED FROM

Warthman Homer

\$

50.00

THE SUM OF

fifty

100

DOLLARS

ON ACCOUNT OF

Winterer Square

~~Hotel~~ development plan - Pub.

Papp

AUTHORIZED SIGNATURE

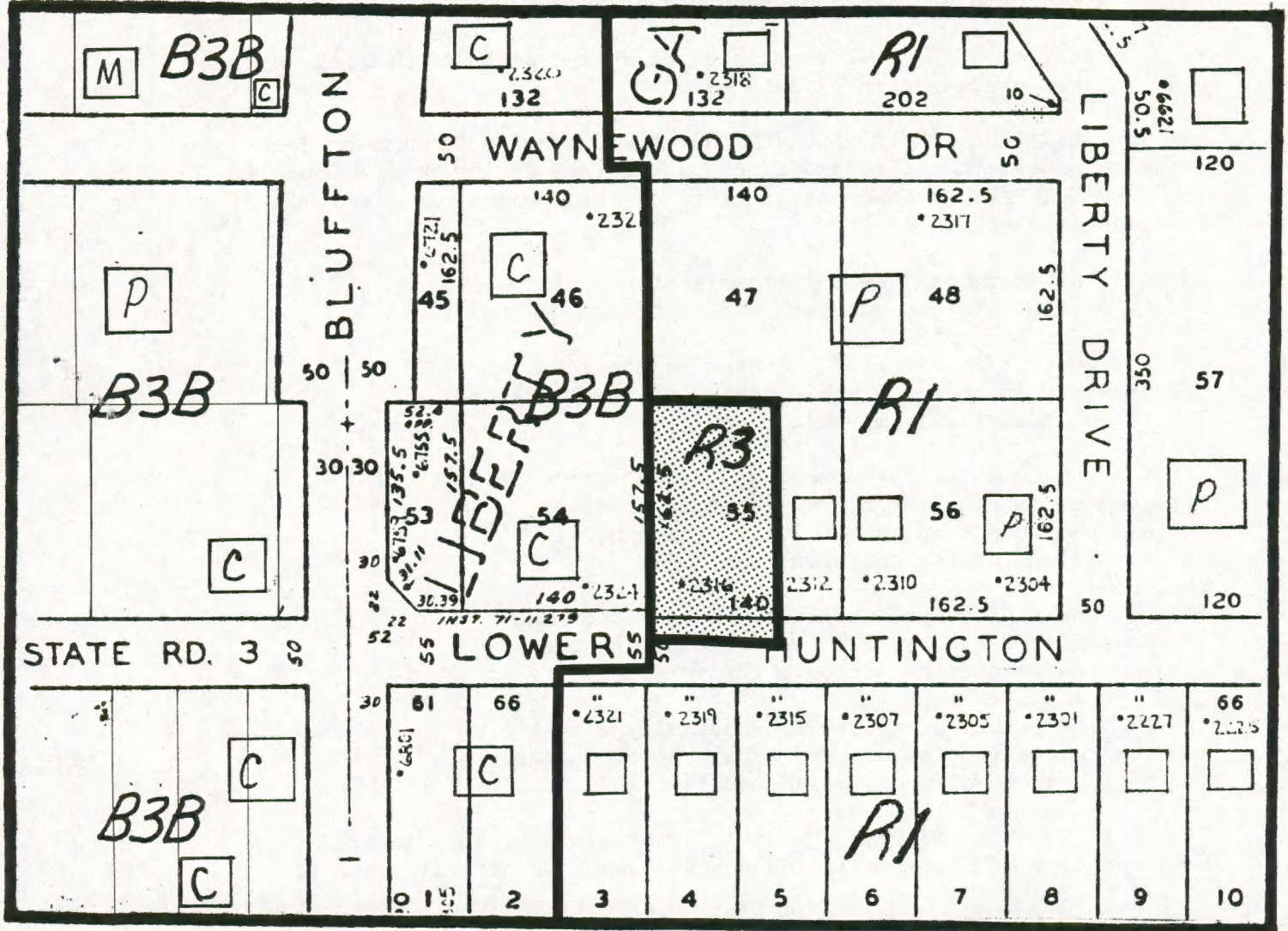
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☐ COMMERCIAL
☐ PUBLIC - CHURCH

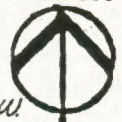
BILL NO. Z-85-06-33

Scale: 1" = 180'

22

Date: 5-30-85

NORTH



L.W.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

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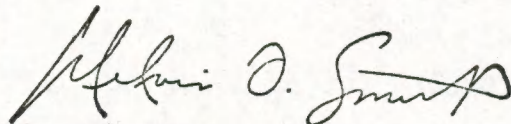
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Certified and signed this
26th day of June 1985.



Melvin O. Smith
Secretary

BILL NO. Z-85-06-33

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort

Wayne Zoning Map No. J-27

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG

LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(RESOLUTION)

DO NOT PASS

YES

NO

CHARLES B. REDD
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRWOMAN

JAMES S. STIER

BEN A. EISBART

DONALD J. SCHMIDT

CONCURRED IN

7-9-85

SANDRA E. KENNEDY
CITY CLERK